

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

WILMAN VASQUEZ,

Plaintiff,

vs.

NDEX WEST, LLC; AMERICA'S
SERVICING COMPANY; and DOES
1-50, inclusive,

Defendants.

Case No: CV08-07629 R (RZx)
Hon. Manuel L. Real
Courtroom 8 – Spring Street

JUDGMENT

Complaint filed: October 17, 2008

The motion of Defendant WELLS FARGO BANK, N.A. dba AMERICA'S
SERVICING COMPANY, erroneously sued herein as AMERICA'S SERVICING
COMPANY to dismiss Plaintiff Wilman Vasquez's complaint pursuant to Federal
Rule of Civil Procedure 12(b)(6) and 12(e) for failure to state a claim upon which
relief can be granted came on regularly for hearing on January 5, 2009 at 10:00 a.m.
in Courtroom 8.

1 After considering all of the papers submitted by the parties, and the
2 arguments of counsel in connection with this matter and good cause appearing:

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
4 motion to dismiss is granted with prejudice. Plaintiff's complaint is dismissed in its
5 entirety with prejudice. Plaintiff is to recover nothing from the Defendants.

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8 DATED: __January 07, 2009__



HONORABLE MANUEL L. REAL

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the page of 18 and am not a party to this action. I am employed in the City of Irvine, California. My business address is Severson & Werson, 19100 Von Karman Avenue, Suite 700, Irvine, California 92612.

On the date below I served the within document(s) described as **(PROPOSED) JUDGMENT** on the interested parties in this action:

☒ by placing ☒ the original ☒ true copy(ies) thereof enclosed in sealed envelope(s) ☐ addressed as follows: ☐ address as stated on the attached mailing list.

Homan Mobasser, Esq.
MW ROTH, PLC
13245 Riverside Drive, Suite 320
Sherman Oaks CA 91423

Attorney for Plaintiff
WILMAN VASQUEZ

Edward A. Treder, Esq.
Barrett, Daffin, Frappier, Treder & Weiss
917 S. Village Oaks Dr., Suite 200
Covina, CA 91724

Attorneys for Defendant
NDEX WEST, LLC

☐ **BY MAIL** (C.C.P. § 1013(a)) - I deposited such envelope(s) for processing in the mail room in our offices. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Irvine, California, in the ordinary course of business.

☒ **(BY ELECTRONIC SERVICE)** Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF system sends an e-mail notification of the filing to the parties and counsel of record listed above who are registered with the Court's EC/ECF system.

☒ **FEDERAL** - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on January 6, 2009, at Irvine, California.

By: _____
LINDA D. OWEN